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C O N F I D E N T I A L SECTION 01 OF 02 TAIPEI 000651

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SUBJECT: TAIWAN INTEREST IN EXTRADITION PACT REFLECTS GROWING PERCEPTION, REALITY OF U.S. AS HAVEN

REF: A. TAIPEI 570

[¶](#)B. OSC CPP20090426072004

[¶](#)C. AIT TAIPEI JUNE 3 PRESS SUMMARY

Classified By: AIT Director Stephen M. Young,
for Reasons 1.4(B) and (D).

[¶](#)1. (C) Summary: During his May 27 Los Angeles transit, Taiwan President Ma Ying-jeou reiterated that signing an extradition agreement is a top priority for Taiwan's relations with the United States. Already, popular dissatisfaction with U.S. inability to return Taiwan fugitives is putting at risk aspects of our law enforcement cooperation, particularly Taiwan's ability to use means other than extradition to return criminal suspects to the United States. America has been second only to China as a safe haven for Taiwan fugitives fleeing prosecution. Initial evidence suggests that an extradition-type agreement signed by Taiwan and the PRC in April now is making the United States Taiwan criminals' destination of choice. Committing to work toward an extradition agreement with Taiwan would address this issue while also demonstrating that the U.S. remains committed to strengthening ties with Taiwan even as cross-Strait relations improve. End Summary.

President Ma: Extradition a Top Priority

[¶](#)2. (C) According to press reports here, during his May 27 transit stopover in Los Angeles, Taiwan President Ma Ying-jeou told U.S. congressmen and with AIT Chairman Burghardt that a U.S.-Taiwan extradition agreement is among his top priorities for U.S.-Taiwan relations. Presidential advisors emphasize that Ma sees an extradition agreement as important as a sign that our informal bilateral relationship remains strong even as ties with China improve. On a practical level, it would be a means of preventing the United States from serving as a haven for Taiwan fugitives.

Friction in U.S.-Taiwan Law Enforcement Cooperation

[¶](#)3. (C) In general, U.S.-Taiwan law enforcement cooperation is excellent. In particular, Taiwan officials are quick to praise how the AIT-TECRO Mutual Legal Assistance Agreement

provides an efficient, effective and non-political channel between law enforcement agencies. Likewise, Taiwan officials have provided excellent cooperation with U.S. law enforcement efforts, returning five fugitives (including murderers, a rapist, and a child molester) over the past 18 months.

¶4. (C) However, the lack of an extradition mechanism has meant that the flow of criminal suspects is not two-way. Over the past decade, neither we nor our Taiwan counterparts are aware of an instance in which the United States was able to return any of the 137 criminal fugitives believed by Taiwan to be in the United States. This is a significant irritant in our law enforcement relationship and increasingly is affecting other aspects of our informal ties with Taiwan. To cite only the most recent high-profile example, Taiwan media reported June 3 that Chen You-hao, one of Taiwan's most infamous financial criminals, had been a major investor in the Los Angeles hotel in which President Ma stayed during his May 27 transit (ref c).

¶5. (C) This imbalance in our law enforcement cooperation (whether real or perceived) has a concrete impact on law enforcement. Most immediately, it leaves suspected criminals at large in the United States. More insidiously, it is beginning to erode Taiwan's ability to cooperate in some areas. For example, in February, when it became public that the United States had requested Taiwan assistance in repatriating a criminal suspect in a child molestation case, the government and National Police Agency's (NPA) Criminal Investigative Bureau (CIB) came under strong media, public

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and legislative pressure to refuse to return the individual unless the United States agreed to return embezzling suspect Wang You-theng. Taiwan authorities understood that they had little to gain from refusing to return a suspected child molester and, ultimately, were able to push back against this clearly unworkable idea. Nevertheless, the heightened sensitivity of the issue in the public spotlight made the repatriation considerably more difficult and time-consuming than previous cases.

¶6. (C) Coincidentally, during the same period, AIT was alerted to another possible Taiwan transit by a wanted U.S. fugitive. Knowing that asking Taiwan for additional assistance even while it struggled with the pressure and publicity from the Chen You-hao and Wang You-theng cases would put severe strains on the relationship, RSO declined to alert the NPA and CIB about the second case. Instead, rather than take a chance of both requests being refused, RSO used more risky means to apprehend the fugitive outside of Taiwan.

Lagging Behind Cross-Strait Cooperation?

¶7. (C) In April, China and Taiwan signed the "Cross-Strait Joint Crime-Fighting and Mutual Legal Assistance Agreement" (Cross-Strait MLAA - see ref A for details). In conversations with AIT officers, Taiwan law enforcement officials expressed concern that this agreement would encourage Taiwan fugitives now in China to move to the United States. Negotiators of the agreement and AIT contacts emphasize that the PRC will have to make good on Taiwan's extradition requests in order to avoid undermining public confidence on Taiwan in the improving cross-Strait relationship. As a result, they expect the mainland will no longer be the haven it once was for Taiwan economic criminals.

¶8. (C) Already, there is evidence to suggest that these concerns are justified. This week alone, AIT is aware of at least two instances of fugitives wanted by Taiwan applying for U.S. visas at consulates in the PRC. Chen You-hao is currently in the PRC applying to renew a non-immigrant visa to enter the U.S. and has an immigrant investor visa petition on file with DHS/USCIS. Similarly, on June 2, Liu Kai-chee, a Taiwan national who fled to China almost ten years ago to

avoid charges, applied at the U.S. consulate in Shanghai.
(Liu's application was refused 221g, to allow Taiwan authorities time to coordinate with PRC counterparts.)

Comment

¶9. (C) The absence of a U.S.-Taiwan extradition agreement is becoming a serious problem for our law enforcement cooperation with Taiwan. Domestic expectations that Taiwan finally will be able to bring to justice high-profile economic fugitives now in the PRC will inevitably push people here to ask why their government is unable to secure similar cooperation from the United States. Our experience has been that Taiwan fugitives are keenly aware of the weaknesses and loopholes in our legal system. Thus, putting in place an extradition agreement will be important as a deterrent as well as a tool to return those fugitives already there. At the same time, agreeing to pursue extradition talks would demonstrate our commitment to strengthen ties with a friendly and cooperative Taiwan administration.

YOUNG